

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS PRODUCTS
LIABILITY LITIGATION

No. 2:15-MD-02641-DGC

**SECOND AMENDED MASTER
SHORT FORM COMPLAINT FOR
DAMAGES FOR INDIVIDUAL
CLAIMS AND DEMAND FOR JURY
TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below,
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).
Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Michael Thompson

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
consortium claim:

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
conservator):

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence
at the time of implant:

New York

1 5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence
2 at the time of injury:

3 New York

4 6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

5 New York

6 7. District Court and Division in which venue would be proper absent direct
7 filing:

8 Eastern District of New York

9 8. Defendants (check Defendants against whom Complaint is made):

10 ☒ C. R. Bard Inc.

11 ☒ Bard Peripheral Vascular, Inc.

12 9. Basis of Jurisdiction:

13 ☒ Diversity of Citizenship

14 ☐ Other: _____

15 a. Other allegations of jurisdiction and venue not expressed in Master
16 Complaint:
17 _____
18 _____
19 _____

20 10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making
21 a claim (Check applicable Inferior Vena Cava Filter(s)):

22 ☐ Recovery® Vena Cava Filter

23 ☐ G2® Vena Cava Filter

24 ☐ G2® Express Vena Cava Filter

25 ☐ G2® X Vena Cava Filter

26 ☒ Eclipse® Vena Cava Filter

27 ☐ Meridian® Vena Cava Filter
28

☐ Denali[®] Vena Cava Filter

☐ Other:

11. Date of Implantation as to each product:

April 6, 2011

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

~~X~~ Count II: Strict Products Liability – Information Defect (Failure to Warn)

~~X~~ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence - Design

☒ Count V: Negligence - Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence *Per Se*

☒ Count X: Breach of Express Warranty

☒ Count XI: Breach of Implied Warranty

☒ Count XII: Fraudulent Misrepresentation

☒ Count XIII: Fraudulent Concealment

Count XIV: Violations of Applicable New York (insert state) Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices

- Count XV: Loss of Consortium

□ Count XVI: Wrongful Death

□ Count XVII: Survival

☒ Punitive Damages

☐ Other(s): _____ (please state the facts supporting this Count in the space immediately below)

13. Jury Trial demanded for all issues so triable?

☒ Yes

☐ No

RESPECTFULLY SUBMITTED this 4th day of February, 20 19.

[SIGNATURE BLOCK]

By: /s/ Terence Sweeney, Esq.

[Attorney name/address]

Law Offices of Terence J. Sweeney, Esq.
44 Fairmount Avenue, Suite One
Chatham, New Jersey 07298

I hereby certify that on this 4th day of February, 20 19, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Terence Sweeney, Esq.